

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : VENNERSTROM, et al.  
SERIAL NO : 10/642,721  
FILED : August 18, 2003  
TITLE : SPIRO AND DISPIRO 1,2,4-TRIOXOLANE ANTIMALARIALS  
Grp./A.U. : 1625  
Examiner : Trinh, Ba K.  
Conf. No. : 4380  
Docket No. : P04559US01

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The owner, Medicines for Malaria Ventures, MMV, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any

## CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

## MAILING

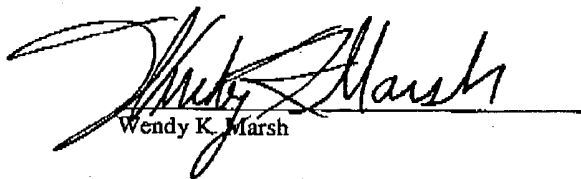
☐ deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date:

7/26/04

## FACSIMILE

☒ transmitted by facsimile to the Patent and Trademark Office, Art Unit 1625 at Fax No. (703) 872-9306.

  
Wendy K. Marsh

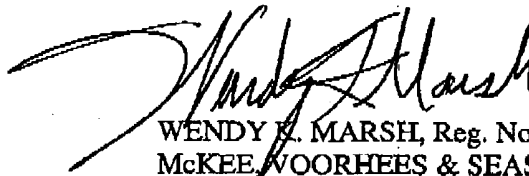
terminal disclaimer, of prior Patent No. 6,486,199 (Vennerstrom). The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent is commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

Please charge Deposit Account No. 26-0084 the amount of \$55.00 to cover the fee for this terminal disclaimer under 37 CFR 1.20(d). Please charge any deficiencies or credit any overpayment to Deposit Account No. 26-0084.

Respectfully submitted,



WENDY E. MARSH, Reg. No. 39,705  
MCKEE, VOORHEES & SEASE, P.L.C.  
801 Grand Avenue, Suite 3200  
Des Moines, Iowa 50309-2721  
Phone No. (515) 288-3667  
Fax No. (515) 288-1338  
CUSTOMER NO: 22885

- bja -

Attorneys of Record